

REGISTER OF CLASSIFICATION DECISIONS

Title of Publication: Critic Te Arohi 23

Other Known Title: Critic Issue 23 September 19 2005

Format: Magazine

Director/Author: Not Applicable

Producer/Publisher: Planet Media Dunedin Limited

Country of Origin: New Zealand

Language: English

Applicant: New Zealand Police

Distributor: Not Applicable

Classification:	Objectionable.
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Descriptive Note: Not Applicable.

Display Conditions: Not Applicable

Date of entry in Register: 31 January 2006

Date of direction to issue a label: Not Applicable

OFLC No: 501845

Excisions: Not Applicable

Reasons for excisions:

Not Applicable

Summary of reasons for classification:

The magazine *Critic Te Arohi 23* is classified as:
Objectionable.

The magazine was submitted for classification by the Commissioner of Police under section 13(1)(ab) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act). The magazine is produced primarily for students at the University of Otago.

The magazine tends to promote and support the use of violence and coercion to compel any person to participate in, or submit to, sexual conduct. The magazine also promotes or encourages criminal acts to a large extent. It contains an article that describes the victims of sexual violence in a degrading, and dehumanising manner, taking the perspective of a misogynistic "drug rapist". The article has some counterbalancing influences, but its most likely reading is to encourage readers to sympathise with the rapist's view, and to find humour in its demeaning descriptions of women and its matter-of-fact references to raping them. This reading is strengthened by juxtaposing the article with another article that positively profiles a man who makes a living by filming the extreme degradation and humiliation of women for male sexual arousal. The magazine places both of these articles within a context that is described as being merely "offensive". The challenge to students to think about why they are offended is so poorly constructed it is likely to have minimal influence. The editor asks readers to think about the *Diary* and *Max Hardcore* articles and other content in the magazine as something that will challenge and offend them and to think about the boundaries of what should and should not be published. However, the magazine's inclusion of an article which does not "draw the reader's attention to what to look out for to combat this sinister and growing trend" but rather instructs in how to conceal what to look out for, undermines the credibility of the editorial. Nor are readers able to think about the boundaries of what should and should not be published if what is published is in fact "objectionable" under the law.

The magazine acknowledges that it will cause offence but fails to consider that this offence may be due to the magazine's ability to cause harm by endorsing the use of violence and coercion to compel a person to submit to sexual conduct.

The Classification Office has considered the effects of the New Zealand Bill of Rights Act 1990 (NZBR Act) when applying the classification criteria. The NZBR Act states that everyone has the freedom to seek, receive, and impart information and opinions of any kind in any form. Under section 5 of the NZBR Act this freedom is subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. It was Parliament's intention under section 3(2) of the FVPC Act that if a publication tends to promote or support an activity listed in that section, then it should not be available to the New Zealand public. This reflects the concern of our democratic society to limit such publications in order to protect the public good from the injury caused by such promotional publications. The classification also supports the rights of women to security of person.

The Classification Office acknowledges that this retrospective classification is unlikely to mitigate any harm already caused by the magazine's availability. The law does not give the Office pre-release classification jurisdiction over magazines. The law requires that *Critic Te Arohi 23* could only have been classified after it was published. This classification should, however, serve as a warning to the publisher to consider its responsibility to the public, and the potential social harm of its publications, more carefully.